



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed September 13, 2022


United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Reorganized Debtor.

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Chapter 11

Case No. 19-34054-sgj11

**ORDER DENYING MOTION TO WITHDRAW
PROOF OF CLAIM [DOCKET NO. 3443] AS MOOT**

This matter having come before the Court on the *Motion to Withdraw Proof of Claim* [Docket No. 3443] (the “Motion to Withdraw”) filed by NexPoint Real Estate Partners, LLC f/k/a HCRE Partners, LLC (“HCRE”) in the above-captioned chapter 11 case, pursuant to which HCRE sought to withdraw its proof of claim number 146; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having found that this is a core

¹ The last four digits of Highland’s taxpayer identification number are 8357. The headquarters and service address for Highland is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

proceeding pursuant to 28 U.S.C. § 157(b)(2); and venue in this District being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having considered (a) the Motion to Withdraw, (b) *Highland Capital Management, L.P.'s Objection to Motion to Withdraw Proof of Claim* [Docket No. 3487], (c) the *Declaration of John A. Morris in Support of Highland Capital Management, L.P.'s Objection to Motion to Withdraw Proof of Claim* [Docket No. 3488], including Exhibits 1-16 annexed thereto, (d) HCRE's *Reply in Support of Motion to Withdraw Proof of Claim* [Docket No. 3505], and (e) the arguments presented by counsel during the hearing conducted on September 12, 2022 (the "Hearing"); and adequate notice of the Motion to Withdraw having been given; and after due deliberation and good cause appearing therefor, it is hereby **ORDERED** that:

1. The Motion to Withdraw is **DENIED** for the reasons set forth on the record during the Hearing.

2. HCRE and Highland are directed to confer in good faith to complete the depositions of Mr. James Dondero, Mr. Matt McGraner, and HCRE at mutually convenient times between September 28 and October 12, 2022.

3. HCRE and Highland shall otherwise comply with items 8, 9, and 10 in the *Order Approving Amended Stipulation and Proposed Scheduling Order Concerning Proof of Claim 146 Filed by HCRE Partners, LLC* [Docket No. 3368], including appearing for an evidentiary hearing on November 1 and 2, 2022.

4. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

END OF ORDER